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[NDEP.nv.gov](http://NDEP.nv.gov)

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
**DIVISION OF ENVIRONMENTAL PROTECTION**

333 W. Nye Lane, Room 138  
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## CAPP

### *Regulatory Workshops Scheduled*

In the 2003 Legislative Session, [Senate Bill 127](#) was adopted which mandated specific amendments to CAPP regulation and afforded the opportunity to streamline the CAPP process. The bases for the statutory amendments were the result of report recommendations made by [the Legislative Subcommittee on Industrial Explosions](#). NDEP has proposed regulatory revisions which are posted on our website at the following address: [http://ndep.nv.gov/docs\\_04/CAPPReg2004.pdf](http://ndep.nv.gov/docs_04/CAPPReg2004.pdf)

Major highlights of the proposed amendments are outlined in ***More About the Regulatory Amendments*** below.

Written comments regarding these proposed amendments will be accepted through June 11, 2004 Send them...

**via mail:** Nevada Division of Environmental Protection /BWM/CAPP  
Attn: Mark Zusy, P.E., Supervisor  
333 W Nye Lane Room 138, Carson City, NV 89706-0851

**via fax:** (775) 687-6396, or

**via e-mail:** [dbenson@ndep.nv.gov](mailto:dbenson@ndep.nv.gov)

### **Workshops have been scheduled as follows:**

<b>Henderson</b> Thursday, May 20 10:00 am - 12:00 noon Henderson Fire Training Center Classrooms 1 and 2	<b>Battle Mountain</b> Tuesday, May 25 1:00 pm - 3:00 pm DOI –BLM Main Conference Room	<b>Carson City</b> Friday, May 28 10:00 am - 12:00 noon NDEP Office Complex Conference Room #217
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401 Parkson Road	50 Bastian Road	123 West Nye Lane
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To review the proposed amendments as they become available, please visit our ***What's New*** page on our website at <http://ndep.nv.gov/bwm/cappnew.htm> . For hard copies, please call Diane Benson at (775) 687-9461. Questions about the amendments of a technical nature may be referred to Mark Zusy, P.E., CAPP Supervisor, at (775) 687-9479.

## □ ***More About the Proposed Regulatory Amendments***

### **Paperwork Reduction**

While the requirements for developing and implementing a comprehensive accident prevention and emergency response preparedness programs remain in tact, we are proposing to substantially refine the reporting process that has been in place since 1991. The objective of these amendments is to enable both the facility and the NDEP to focus upon program implementation rather than on developing and processing various forms and documents.

NDEP will audit program records for compliance and generate the necessary documentation. The facility will be responsible for providing an annual registration and select information in advance of an NDEP site inspection. Specifically eliminated are the Assessment Report, Annual Compliance Report and Assessment Team Pre-Approval.

### **Fee Increase**

The proposed regulatory revisions will include a fee increase to cover NDEP's implementation cost. NDEP will be proposing some combination of base and unit fee increase. Potential options will be discussed at the workshops.

### **Streamlining Program Requirements**

In 1999, regulatory language from the EPA's Risk Management Program (RMP) was incorporated into CAPP regulation in anticipation of receiving federal program delegation. This language supplemented substance lists and program requirements of the existing CAPP program. RMP differs from CAPP in that the focus is on protecting offsite receptors and the environment, where CAPP is also concerned with protecting the worker. RMP language led to varying program requirements as dictated by offsite consequences.

In this amendment, program requirements are unified and simplified consistent with legislative direction, ensuring that all facilities implement comprehensive accident prevention and emergency response preparedness programs. Program delegation for the EPA's RMP will be handled as indicated below. This action does not add regulated substances to the program, nor does it increase the size of the regulated community.

### **EPA Risk Management Program Delegation**

Formal delegation of the federal Risk Management Program has been delayed pending the outcome of this latest regulatory proposal. Language has been added to adopt the federal regulatory language by reference and to have NDEP oversee implementation of this program within the federal requirements. The facility will not be held accountable at a federal level for any more than the federal regulation requires.

#### **Protection of Trade Secret Information**

The 2003 statutory amendments expand the ability of NDEP to protect trade secret information beyond selected reports. A new regulatory section has been added that clarifies this process.

#### **Division Investigation of Incidents**

Senate Bill 127 mandated that CAPP regulation include provisions for NDEP to conduct incident investigations at facilities and have the ability to recover cost. The provision would only apply in facilities that do not conduct the incident investigation required under current regulation.

#### **List of Explosives**

Senate Bill 127 mandated that a specific list of explosives be developed in regulation. A list of explosives under 49 CFR 172.101 has been adopted for this purpose.

#### **Permitting, Accident Prevention Program and Emergency Response Programs Amendments**

Minor, functional amendments have been made to these existing regulatory provisions, which form the core of the CAPP program.

